

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Docket No: Q88294

Hiroshi TSUCHITA, et al

Appln. No.: National Stage of PCT/JP03/15429

Confirmation No.: Unknown Group Art Unit: Unknown

Filed: June 02, 2005 Examiner: Unknown

For: SUSTAINED IMPROVER OF MUSCULAR FATIGUE

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

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JC17 Rec'd PCT/PTO 02 JUN 2005

INFORMATION DISCLOSURE STATEMENT  
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Attorney Docket No. Q88294

filings a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP03/15429 dated March 8, 2004), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: June 2, 2005

Substitute for Form 1449 A & B/PTO				Complete if Known 10/537401	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number National Stage of PCT/JP03/15429	
(use as many sheets as necessary)				Confirmation Number Unknown	
				Filing Date June 02, 2005	
				First Named Inventor Hiroshi TSUCHITA	
				Art Unit Unknown	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	Q88294

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code <sup>2</sup> (if known)		
		US 4,687,782	A	08/18/1987	EUGENE R. BRANTMAN
		US 5,641,531	A	06/24/1997	JEFFERY WAYNE LIEBRECHT, ET AL
		US			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		FR	2 758 243	A	07/17/1998	AJINOMOTO KK	No
		WO	99/49741	A	10/07/1999	SOCIETE DES PRODUITS NESTLE S.A.	
		WO	00/64283	A	11/02/2000	PHILIP WHITE	
		EP	0 747 395	A1	12/11/1996	CLINTEC NUTRITION COMPANY	
		DE	298 08 637	U1	07/16/1998	OEKOMAG NET GMBH	No
		UK	2 335 134	A	09/15/1999	STALPLEX LIMITED	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation <sup>6</sup>
		DATABASE WPI SECTION CH, WEEK 199632 DERWENT PUBLICATIONS LTD., LONDON, GB; CLASS B05, AN 1996-316268 XP002271047	
		DATABASE WIP SECTION CH, WEEK 199641 DERWENT PUBLICATIONS LTD., LONDON, GB; CLASS B03, AN 1996-408309 XP002271048	
		PATENT ABSTRACTS OF JAPAN, Vol. 010, No. 036 (C-328), February 13, 1986	
		INTERNATIONAL SEARCH REPORT	

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or in the comment box of this document. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.